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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

FABIAN JESUS BROOKS ARIAS, an  
individual;

Plaintiff,

v.

DAVID JOSEPH ROBINSON, an individual;  
DOES I through XV, and ROE Corporations I  
through X, inclusive,

Defendants.

CASE NO. 2:21-cv-00644-GMN-DJA

**STIPULATION AND ORDER  
REGARDING FRCP 35 MEDICAL  
EXAMINATION OF PLAINTIFF  
FABIAN JESUS BROOKS ARIAS**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff FABIAN JESUS BROOKS ARIAS ("Plaintiff") and Defendant DAVID JOSEPH ROBINSON, by and through their undersigned counsels of record, as to the terms of the medical examination of Plaintiff FABIAN JESUS BROOKS ARIAS (hereinafter "Plaintiff") pursuant to FRCP 35 as follows:

1. The medical examination pursuant to FRCP 35 (the "Examination") shall be conducted by Jeffrey Wang, M.D. on November 12, 2021 at 12:30 p.m. located at Jeffrey Wang, M.D.'s office located at 2500 W Sahara Ave, Suite 207, Las Vegas, NV 89102. Plaintiff must present a photo ID and will be asked to sign-in with Jeffrey Wang, M.D.'s staff.

2. Any and all paperwork that Plaintiff is required to complete as a part of the examination, including but not limited to intake forms and medical histories, shall be provided to Plaintiff at least two weeks prior to the examination.

3. Plaintiff will not be made to wait for the examination to begin for more than 120 minutes. However, should Plaintiff be made to wait 120 minutes, Plaintiff's counsel will contact Defendant's counsel so that Defendant's counsel can make a good faith effort to remedy the issue regarding Plaintiff's extended wait time.

4. The examining physician and/or his staff will not ask Plaintiff any questions regarding liability during the examination.

5. No other party, or representative thereof, may be present at the examination, with the exception of a court-certified Spanish-English interpreter to be provided by Defendant, and a court-certified Court Reporter to be provided by Plaintiff.

6. No other medical professional, including physicians, surgeons, or chiropractors, may be present at or participate in the examination. However, if necessary, members of the examining physician's staff may be used to assist in the examination.

7. No CT Scans, MRI's, X-rays, or other diagnostic imaging shall be performed on Plaintiff in the course of the examination.

8. The examining physician shall accurately report his findings and test results.

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9. The examining physician shall not engage in ex parte contact with Plaintiff's treating health care providers.

10. The examining physician will retain and produce any materials related to the examination required under the Federal Rules of Civil Procedure.

DATED this 19<sup>th</sup> day of October 2021.

DATED this 19<sup>th</sup> day of October 2021.

GINA CORENA & ASSOCIATES

BREMER WHYTE BROWN & O'MEARA  
LLP

*/s/ Betsy C. Jefferis-Aguilar*

*/s/ Ty M. Maynarich*

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**ORDER**

IT IS SO ORDERED.

Dated this 5th day of November, 2021.



DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE

Respectfully submitted by

GINA CORENA & ASSOCIATES

*/s/ Betsy C. Jefferis-Aguilar*

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